THE TRYAL AND CONDEMNATION OF

Col. *Adrian Scrope*, Mr. *John Carew*,
Mr. *Thomas Scot*, Mr. *Gregory Clement*.
Col. *John Jones*.

Who sate as Judges upon our late Soveraigne Lord King *CHARLES*.

Their severall *Answers* and *Pleas*, at the Sessions-house in the *Old-baily*, Friday the 12*th* of *October* 1660. before the Commissioners of *Oyer* and *Terminer* appointed by His MAJESTY for that purpose.

JAMES 2. v. 13.

For he shall have Judgement without Mercy that shewed no Mercy.

LONDON,
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THis day being *Friday* the 12th. of *October* 1660. The Kings Lords Justices for Tryal of several persons who had a hand in the Death of our Late Soveraign, Sate in the Sessions house in the *Old Baily*, and called to the Bar the persons following *Viz.*

Col. *Adrian Scroope.* *Gregory Clement.*
John Carew, *John Jones.*
Thomas Scot.

Col. *Adrian Scroope* was first called to his Tryal, who having accepted against several of the Jury, at last had such a one as he agreed to.

Proclamation being made, and silence commanded, the Indictment was Read, and One of the Kings council stood up and spake to this Effect.

Gentlemen of the Jury, *You have heard by the Indictment of several that did assemble themselves together to compass and take away the Life of the* King *our late Soveraigne, among which persons the prisoner at the Bar was one, who under his Hand and Seal did consent to the said Murther, First by setting Hand to the Commission which gave being to that Bloody* Court, *and afterwards by Signing that bloody Warrant which occasioned the severing his Head from his Body, which we can prove by several Witnesses.*

The Court call for the VVarrant for the *King's* Execution, and went to shew it to one of the VVitnesses: which when Col. *Scroope* saw, he said,

My Lord let me see it, if it be my hand I will not deny it.

The VVarrant it is carried to him.

Scroope. *My Lord I do not deny but it is my Hand.*

Mr. *Masterton* one of the VVitnesses is sworn.

Kings Council. *Whether did you see this Gentlemen sitting among the Judges of the* King?

Masterton. My Lord, I was at the High Court of Justice so called, several Times, and I saw the prisoner at the Bar sitting among them, and particularly on the 27*th.* of *December*, being the day on which Sentence was given.

Scroope. *My Lord, pray ask this Gentleman whether he and I were ever in company together that he should know me so well, for I never saw him in my Life before to my knowledge.*

To which it was answered, That he in person answered to that Name, and was the Man.

Several other Witnesses were sworn to the same purpose.

Collonel *Scroope* desired that one might be askt if he could tell whereabout he sate; To which the Witnesse answered,

My Lord, I cannot say that positively, I cannot remember such Circumstance so long; but to the best of my remembrance, he was the uppermost Judge on the right hand.

Sir *Richard Browne* was sworn to give Evidence concerning several treasonable words that he should speak about the Kings Murther.

The Act for constituting the High Court of Justice was likewise read; and Col. *Scroop* owned that to be his hand which subscribed thereunto; saying, he did not desire that witnesses should be sworn to more then was needful.

The Kings Council then spake to the Jury, and told them; *That they had heard by six several Witnesses that the prisoner had sate among the Kings Judges; and by three that he sate the day which was by them called*, the day of Judgement.

The prisoner said, that he had a great disadvantage in answering to such learned Men, who were to plead against him, and said, *That he would not undertake to justifie his person, but desired Time and Council to answer to matter of Law.*

The *Judge.* That is where you have matter of Law.

The Prisoner answered, My Lord, *I was not of the Parliament, I beseech you take notice of that; and that which was done, my Lord, was by a* High Court of Justice, *who had a commission from the Parliament. My Lord, It was that Authority which was then accounted the supreme Authority that the generality of the Nation submitted to; having received command from that authority it was in obedience to the same that I sate, I was promrted thereunto by that*

command

command: I have not time to bring these things to a Head, because I have been these six weeks close prisoner in the Tower, that I could not get councel to prepare my self? therefore my Lord, let me have some time and councel to provide my self to plead.

My Lord *I was no contriver of that businesse only executed the command.*

To which was answered, That that which he called the Parliament was no Parliament; that there was no colour of Authority to justifie them; and that if the whole House of Commons had been sitting (as these pretending that Authority were not a sixth part) yet they could not act against Life of the least Cripple at the Gate without the King, much lesse against himself.

Col. *Scroope.* I say my Lord I am but a single person, and if there be mistakes I am not the only single person that have been misled, I hope that an Errour in Judgement, will not be accounted an Errour in Will, and shall not be accounted Malice. Truely my Lord I must say this, and I desire your Lordship to take notice of me, that I am without any malice at all. After several things of the like Nature hoping that Authority of the the Rump-parliament would clear him and be taken as a sufficient Plea for his aforesaid Treasonable conspiracy, The Judge askt him if he had any thing further to offer in the case, which he being not able to do; The Charge was given to the Jury, who never went out of the Court to give in their Verdict; and being asked according to the forme, whether the Prisoner at the Bar were Guilty of the High Treason whereof he stood indicted or not Guilty.

The Fore-man said *GUILTY.* and so they said all.

Whereupon the prisoner was taken from the Bar and Shackled with chaines.

The next who was called to the Bar was Mr. *John Carew*, who after the Formalities of the Court was passed as aforesaid, and the Indictment read, he was charged by the Kings Council as followeth.

The Prisoner at the Bar stands Indicted for (*not having the fear of God before his Eyes*) Imagining, Contriving and com-

compassing the Death of our Late Soveraigne of blessed Memory; for the proof of this there are several things in the Indictment which do discover their private imagination, which is that they did meet and consult, &c. there is a statute of the 25t: of *Edward* the third against Imagining, Designing, or compassing the Death of the *KING*, which ye are to enquire after.

There was a thing called the *High High Court of Justice*, in which bloody Court our Soveraigne was Tryed, and this Gentleman was one of those Miscreants that had the confidence, nay, the impudence to sit among them, and afterwards Sealed to that bloody Roll whereupon he was Executed.

Severall Witnesses being Examined spake to this effect,

That they saw him several days in that Court sitting among those who were called the Kings Judges, and particularly on the 27. day of *January*, 1648. on which day the Sentence passed; also knew that to be his hand which was to the Warrant for the Kings Execution, And for Establishing *A High Court of Justice*.

Whereupon the Prisoner was asked what he had to say for himself? who answered, that he came not there to deny any thing that he had done; that whereas what was done in the case was Ushered in with these words, [*Not having the Fear of God before his Eyes*] He did declare it was not done in such a Fear, *But in the Fear of the Holy and Righteous Lord the Judge of the Earth*.

Whereat the Court was much Troubled and Disturbed that he should make God the Author of their Treason and Murther.

But he went on to this purpose

When this came about there was an Ordinance where in my name was set, which when I saw I stroke it out; I leave it to the Lord to Judge, I thought not well of it,

and

and so was very unwilling to appear in it, there being as I thought enough beside me to be imployed in it, and therefore I speak the truth as it is in Jesus, to shew how I had the Fear of the Lord before me, I say as to what I did was upon this account; I did it first in Obedience to the then Supreame Authority of *England*, and after the Lord gave answer to Solemne appeals.

Running on after this rate the Court were wearied with his discourse and put him on to plead to his Indictment.

He desired he might declare the grounds whereupon the Parliament proceeded, and give the Grounds and Reasons of the Fact.

To which the King's Council said, Then you must needs confesse it. Whereupon he acknowledged, that he was there, and proceeded against the Act of Parliament; But was told (as the Court had often said before) That neither the Lords nor the Commons, jointly or severally, had any power without the King; and that the Power then in being had not the least colour of Authority for what they did; and that it was not a thing to be debated without denying our Allegiance, that the Subject can hold up his hand against his Soveraign.

After the Lord *Annesley* made a learned Speech, declaring the illegality of their proceedings, that when a Treaty was concluded with the King, and accordingly all things like to be settled, he & some others had contrived and designed to keep the far greater part of the Members out against their Allegiance, the Lawes of the Land, and against the priviledges of Parliament, &c. making themselves an arbitrary Parliament and driving away the rest, &c.

But Mr *Carew* being not able to say any thing in defence of his high charge: the Jury never went out for it, but presently brought him *GUILTY*.

Mr.

Mr. *Scot* was brought next, and after all the Formalities of the Court were over, he first pleaded the Priviledge of a Parliament Man, several Witnesses were produced against him, That he so gloried in the death of the King, as to say, *That he desired it might be written upon his Tombstone to th'end all the world might know it*; as also other things, which expresst his malicious forwardnesse in that horrid Murther. The main part of his pleading was to justifie the Authority of the Rump-Parliament, which being so often answered before, need not here be incerted; The Jury soon concluded with him likewise, and found him Guilty.

Mr. *Gregory Clement* petitioned the Court to wave his plea of *not Guilty*; which the Court granting, he confest the Indictment.

Col. *John Jones* confest that he was present at giving Sentence against the King, only denied the form of the Indictment; whereupon a Jury was without his excepting against any, quickly sworn, and according to his own Confession, found him Guilty.

The Judge in a very Learned Speech endeavoured to make them sensible of the hainousness of the Sin, and perswading them to Repentance, prayed God to have mercy upon them, and read their Sentence upon all together.

You shall go from hence to the place from whence you came, and from that place shall be drawn upon a *Hurdle* to the place of EXECUTION, and there shall HANG by the NECK till you are half Dead, and shall be cut down Alive, and your *Privy-Members* cut off before your Face and thrown into the Fire, your Belly ript up and your Bowels Burnt, your Head to be Severed from your Body, your *BODY* shall be divided into Four QUARTERS, and Disposed as his *Majesty* shall think fit.

All were Shack'ed with Fetters and carried to the *Presse-yard*.

FINIS.